

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7176**

**BILL NUMBER:** SB 215

**DATE PREPARED:** May 7, 2001

**BILL AMENDED:** Apr 29, 2001

**SUBJECT:** Commission on Caregivers.

**FISCAL ANALYST:** Kathy Norris

**PHONE NUMBER:** 234-1360

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State

**Summary of Legislation:** (CCR Amended) This bill establishes the Governor's Commission on Caregivers to study issues regarding the availability and quality of caregivers in long term care health settings. The bill requires the Commission to submit a report to the Governor and Legislative Council by not later than October 1, 2002. It allows the Commission to contract with a private individual or organization to provide the staff support necessary for the operation of the Commission, including conducting research and developing the required report. The bill appropriates \$49,000 from the state General Fund for the Commission to fulfill its purpose.

This bill provides that an individual in need of in-home care who is a recipient approved to receive certain Medicaid waiver services or a participant in the Community and Home Options to Institutional Care for the Elderly and Disabled (CHOICE) program may employ registered personal services attendants to provide attendant care services. The bill exempts from these provisions home health agencies, hospice programs, and health care professionals who practice within the scope of their license. The bill also allows a personal services attendant to perform certain self-directed in-home services and medical activities that, in the opinion of the attending physician, meet certain conditions and for which the attendant has received training or instruction on how to properly perform the medical activity from a licensed health professional. The bill requires an individual in need of in-home care and the individual's case manager to develop an authorized care plan. The bill also provides that procedures must be adopted to receive and adjudicate certain complaints against personal services attendants. It also allows personal services attendants who are guilty of certain offenses to be placed on the nurse aide registry. The bill further sunsets the self-directed in-home care program on July 1, 2003. It also allows home health agencies to provide attendant care services. The bill requires that appropriate federal Medicaid waivers be sought to permit reimbursement of these services under Medicaid. It also makes conforming amendments and technical corrections.

**Effective Date:** (Amended) Upon passage; July 1, 2001.

**Explanation of State Expenditures:** (Revised) This bill establishes a 20-member Governor's Commission on Caregivers to study issues regarding the availability and quality of caregivers in long term care health settings. Specifically, the Commission will do the following: (1) review data and information on the availability and need for long term caregivers, (2) evaluate barriers to increasing the supply of long term caregivers, (3) evaluate the adequacy of existing training programs in the state for long term caregivers, and (4) develop recommendations to increase the supply of long term caregivers.

Nine members of the Commission will be state employees or elected officials and eleven will be lay members. The chairperson of the Commission will be the Governor or the Governor's designee on the Commission. Lay members are entitled to a per diem of \$50 (\$550 per diem for all lay members per meeting). Total costs will depend on the number of meetings held.

In addition, this bill provides for an appropriation of \$49,000 from the state General fund to provide for staff support necessary to meet the operational and research requirements of the Commission. These funds will not revert to the state General Fund at the close of the fiscal year but rather will remain available to the Commission through October 1, 2002, the date the Commission's final report is to be submitted to the Governor and the Legislative Council.

The attendant care provisions of this bill are estimated to have either no fiscal impact or, potentially, a small savings to the Medicaid and CHOICE programs.

This bill allows an individual recipient in the Medicaid or CHOICE program who is in need of in-home care to be responsible for the recruiting, hiring, training, paying, dismissing, and supervising of a personal services attendant. According to the Division of Disabilities, Aging, and Rehabilitative Services (DDARS), this capability already exists within the CHOICE program.

The state of Kansas has had a similar provision in their Medicaid home and community-based waivers since about 1992. Representatives of the Kansas Department of Social and Rehabilitation Services (Kansas' Medicaid agency) and of the Occupational Center of Central Kansas (a non-profit organization) stated that this provision has been cost effective in their state and has reduced costs to their Medicaid program, largely due to the reduction in training expenses and overhead required of the Medicaid program.

The bill provides for the collection of registration fees (from in-home attendants) by DDARS within the Family and Social Services Administration (FSSA). DDARS may also collect fees for shipping, handling, and copying expenses. The fees that may be collected are limited by the bill for the initial two-year period of the program. The limits are \$30 for registration fees and \$5 for handling fees.

**Explanation of State Revenues:** (Revised) See Explanation of State Expenditures, above, regarding fee revenue and federal reimbursement under the cost-shared Medicaid program.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Health, State Board of Nursing, Family and Social Services Administration, Office of Medicaid Policy and Planning, Commission for Higher Education, State Superintendent of Public Instruction, Department of Workforce Development, Department of Commerce, Department of Labor.

**Local Agencies Affected:**

**Information Sources:** Susan Preble, Legislative Liaison for Family and Social Services Administration. Ms. Margaret Zillinger, Kansas Department of Social and Rehabilitative Services, (785) 296-7010; Ms. Jan Mandella, Occupational Centers of Central Kansas, (785) 825-2675.